

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GETTY IMAGES (US), INC.,

Plaintiff,

v.

STABILITY AI, LTD. and STABILITY
AI, INC.,

Defendants.

REDACTED - PUBLIC VERSION
Filed August 21, 2024

C.A. No. 23-135 (JLH)

DECLARATION OF ROBERT VRANA

I, Robert Vrana, hereby declare, pursuant to 28 U.S.C. § 1746:

1. I am an attorney duly licensed to practice in the State of Delaware and admitted in this Court.

2. I am a partner at the law firm Young Conaway Stargatt & Taylor, LLP, counsel for Plaintiff Getty Images (US), Inc. (“Getty Images”) in the above-captioned proceeding.

3. I submit this declaration in support of Getty Images’ Opposition to Defendants’ Renewed Motion to Dismiss and Motion to Transfer.

4. Attached hereto as Exhibit A is a true and correct copy of Stability AI, Ltd.’s (“SAI Ltd.”) Annual Report and Financial Statements for the period ended Dec. 31, 2022, produced in the above-captioned matter at STABILITYAILTD-GETTYUS_000065–94, and attached as Exhibit 6 to Peter O’Donoghue’s February 22, 2024 deposition transcript.

5. Attached hereto as Exhibit B is a true and correct copy of SAI Ltd.’s First and Second Supplemental Objections and Responses to Plaintiff’s Jurisdictional Interrogatories, dated July 7, 2023 and January 26, 2024 respectively.

6. Attached hereto as Exhibit C is a true and correct copy of the transcript of Peter O'Donoghue's February 22, 2024 deposition taken in the above-captioned matter.

7. Attached hereto as Exhibit D is a true and correct copy of Stability AI Inc.'s ("SAI Inc.") First and Second Supplemental Objections and Responses to Plaintiff's Jurisdictional Interrogatories, dated July 7, 2023 and January 26, 2024 respectively.

8. Attached hereto as Exhibit E is a true and correct copy of SAI Inc.'s Notice of Exempt Offering of Securities dated October 5, 2022, available at https://www.sec.gov/Archives/edgar/data/1949710/000194971022000001/xslFormDX01/primary_doc.xml.

9. Attached hereto as Exhibit F is a true and correct copy of the Declaration of Cyrus Hodes in Support of Plaintiff's Opposition to Defendants' Motion to Stay Discovery, filed in *Hodes v. Mostaque et al.*, Case No. 23-cv-03481-MMC, on October 30, 2023 at Doc. No. 62-1.

10. Attached hereto as Exhibit G are true and correct copies of minutes to meetings of SAI Ltd.'s Board of Directors held on October 15, 2020, June 7, 2023, November 22, 2023, December 15, 2023, and December 18, 2023, produced in the above-captioned matter at STABILITYAILTD-GETTYUS_000101-110.

11. Attached hereto as Exhibit H is a true and correct copy of minutes to the meeting of SAI Inc.'s Board of Directors held on December 2, 2022, produced in the above-captioned matter at STABILITYAIINC-GETTYUS_000079-94, and attached as Exhibit 11 to Peter O'Donoghue's February 22, 2024 deposition transcript.

12. Attached hereto as Exhibit I is a true and correct copy of minutes to the meeting of SAI Inc.'s Board of Directors held on February 10, 2023, produced in the above-captioned

matter at STABILITYAIINC-GETTYUS_000100–101, and attached as Exhibit 12 to Peter O’Donoghue’s February 22, 2024 deposition transcript.

13. Attached hereto as Exhibit J is a true and correct copy of minutes to the meeting of SAI Inc.’s Board of Directors held on April 19, 2023, produced in the above-captioned matter at STABILITYAIINC-GETTYUS_000104–105, and attached as Exhibit 14 to Peter O’Donoghue’s February 22, 2024 deposition transcript.

14. Attached hereto as Exhibit K is a true and correct copy of minutes to the meeting of SAI Inc.’s Board of Directors held on July 11, 2023, produced in the above-captioned matter at STABILITYAIINC-GETTYUS_000112–119, and attached as Exhibit 17 to Peter O’Donoghue’s February 22, 2024 deposition transcript.

15. Attached hereto as Exhibit L is a true and correct copy of minutes to the meeting of SAI Inc.’s Board of Directors held on November 9, 2023, produced in the above-captioned matter at STABILITYAIINC-GETTYUS_000096–97, and attached as Exhibit 20 to Peter O’Donoghue’s February 22, 2024 deposition transcript.

16. Attached hereto as Exhibit M is a true and correct copy of minutes to the meeting of SAI Inc.’s Board of Directors held on November 30, 2023, produced in the above-captioned matter at STABILITYAIINC-GETTYUS_000098–99, and attached as Exhibit 21 to Peter O’Donoghue’s February 22, 2024 deposition transcript.

17. Attached hereto as Exhibit N is a true and correct copy of the Certificate of Revival of SAI Inc., produced in the above-captioned matter at STABILITYAIINC-GETTYUS_000148–49, and attached as Exhibit 2 to Peter O’Donoghue’s February 22, 2024 deposition transcript.

18. Attached hereto as Exhibit O is a true and correct copy Exhibit 4 to the Declaration of Cyrus Hodes in Support of Plaintiff's Opposition to Defendants' Motion to Stay Discovery, filed in *Hodes v. Mostaque et al.*, Case No. 23-cv-03481-MMC, on October 30, 2023 at Doc. No. 62-5.

19. Attached hereto as Exhibit P is a true and correct copy Exhibit 1 to the Declaration of Cyrus Hodes in Support of Plaintiff's Opposition to Defendants' Motion to Stay Discovery, filed in *Hodes v. Mostaque et al.*, Case No. 23-cv-03481-MMC, on October 30, 2023 at Doc. No. 62-2.

20. Attached hereto as Exhibit Q is a true and correct copy of an April 21, 2023 article titled "Leaked deck raises questions over Stability AI's Series A pitch to investors," available at <https://sifted.eu/articles/stability-ai-fundraise-leak>.

21. Attached hereto as Exhibit R is a true and correct copy of a June 25, 2024 Stability AI announcement, available at <https://stability.ai/news/stability-ai-secures-significant-new-investment>.

22. Attached hereto as Exhibit S is a true and correct copy of job postings from Stability AI's website, available at <https://stability.ai/careers>.

23. Attached hereto as Exhibit T is a true and correct copy of a June 4, 2023 Forbes article titled "The AI Founder Taking Credit for Stable Diffusion's Success Has a History of Exaggeration," attached as Exhibit 16 to Peter O'Donoghue's February 22, 2024 deposition transcript.

24. Attached hereto as Exhibit U is a true and correct copy of the LinkedIn profile of Zion English, available at <https://www.linkedin.com/in/zion-english-b10b6423b/>.

25. Attached hereto as Exhibit V is a true and correct copy of the LinkedIn profile of Alex Goodwin, available at <https://www.linkedin.com/in/alex-goodwin-4a1a58267/>.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 12, 2024 in Wilmington, Delaware.

/s/ Robert Vrana

Robert Vrana

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 12, 2024, a copy of the foregoing document was served on the counsel listed below in the manner indicated:

BY E-MAIL

Jack B. Blumenfeld
Michael J. Flynn
MORRIS, NICHOLS, ARSHT
& TUNNELL LLP
1201 North Market Street
Wilmington, DE 19899
jblumenfeld@morrisnichols.com
mflynn@morrisnichols.com

Joseph C. Gratz
Timothy Chen Saulsbury
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, CA 94105-2482
jgratz@mofo.com
tsaulsbury@mofo.com

Attorneys for Defendant

Allyson R. Bennett
Laura Gilbert Remus
MORRISON & FOERSTER LLP
707 Wilshire Boulevard
Los Angeles, CA, 90017-3543
abennett@mofo.com
LRemus@mofo.com

Aditya V. Kamdar
MORRISON & FOERSTER LLP
2100 L Street, NW, Suite 900
Washington, D.C., 20037
akamdar@mofo.com

Dated: August 12, 2024

YOUNG CONAWAY STARGATT
& TAYLOR, LLP

/s/ Robert M. Vrana
Tammy L. Mercer (No. 4957)
Robert M. Vrana (No. 5666)
1000 North King Street
Wilmington, Delaware 19801
(302) 571-6600
tmerc@ycst.com
rvrana@ycst.com

Attorneys for Plaintiff Getty Images (US), Inc.